

Panaji, 20th November, 1986 (Kartika 29, 1908)

SERIES I No. 34

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

3/6/76-PER (Vol III)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution read with Government of India, Ministry of Home Affairs Notification No. F.1/29/68-GP, dated 29-6-1968 and all other powers enabling him in this behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to amend the Goa, Daman and Diu Civil Service Rules, 1967, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Civil Service (First Amendment) Rules, 1986.

(2) They shall come into force at once.

2. *Amendment of Schedule I.*—In the Schedule I to the Goa, Daman and Diu Civil Service Rules, 1967 (hereinafter called the 'Principal Rules'),—

(a) Under Grade I (Selection Grade) posts, the entry at serial No. 2 shall be substituted by the following entry namely:—

"2. Jt. Director of Industries and Mines".

(b) (i) Under Grade II posts, the entries at serial numbers 15, 17, 18 and 19 shall be substituted by the following entries respectively, namely:—

| | |
|---|-----|
| "15. Under Secretary (Passport) ... 1 | ... |
| 17. Under Secretary (Planning) ... 1 | ... |
| 18. Under Secretary (Administrative Reforms) ... 1 | ... |
| 19. Under Secretary (General Administration) ... 1" | ... |

(b) (ii) After the existing entry at serial No. 25, the following entries shall be added, namely:—

| | |
|---|-----|
| "26. Under Secretary (Public Works and Urban Development) ... 1 | ... |
| 27. Under Secretary (Budget) ... 1 | ... |
| 28. Under Secretary (Health) ... 1 | ... |
| 29. Under Secretary (Protocol) ... 1 | ... |

| | |
|---|-----|
| 30. Assistant Director (Administration) in the Labour Commissioner's Office ... 1 | ... |
| 31. Land Acquisition Officer (Land Acquisition Cell), Public Works Department ... 1 | ... |
| 32. Administrative Officer in the Directorate of Agriculture ... 1 | ... |
| 33. Deputy Registrar, Government Polytechnic ... 1 | ... |
| 34. Exhibition Officer in the Directorate of Industries and Mines ... 1 | ... |
| 35. Under Secretary (Education) ... 1 | ... |
| 36. Under Secretary (Industries and Labour) ... 1" | ... |

3. *Amendment of Schedule II.*—In Schedule II of the Principal Rules,

(a) the entry at Sr. No. 1 shall be substituted by the following entry, namely:—

"1. Mamlatdar/Block Development Officer/Joint Mamlatdar".

(b) the entry at serial No. 2 namely "Block Development Officer" shall be deleted.

4. *Amendment of Schedule III.*—In Schedule III to the Principal Rules, the following entries shall be deleted, namely:—

| | |
|---|-----|
| "7. Administrative Officer, Directorate of Agriculture ... 1 | ... |
| 8. Dy. Registrar, Government Polytechnic ... 1 | ... |
| 10. Land Acquisition Officer (Land Acquisition Cell), Public Works Department ... 1 | ... |
| 11. Exhibition Officer, Directorate of Industries and Mines ... 1 | ... |
| 14. Protocol Officer ... 1 | ... |
| 16. Under Secretaries ... 3" | ... |

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 29th October, 1986.

Corrigendum

5/3/74-PER(Part)

In the schedule appended to the Government Notification No. GAD-EST-9364(2) dated 30-3-1966, published in the Government Gazette Series I, No. 2 dated 14-4-1966 for the words "Secretary, I & L" appearing in column 6 against Serial No. 11, the words "Administrative Secretary" shall be substituted.

By order and in the name of the Administrator of Goa, Daman & Diu.

N. P. Gannekar, Under Secretary (Personnel)

Panaji, 6th November, 1986.

Forest and Agriculture Department**Notification**

10-10(2)84-COOP-F&A (Part file)

In exercise of the powers conferred by the proviso to section 28 of the Maharashtra Cooperative Societies Act, 1960, as applied to the Union territory of Goa, Daman and Diu, (hereinafter called the "said Act"), the Administrator of the Goa, Daman and Diu, hereby specifies in respect of the Goa State Cooperative Bank, a higher amount than Rs. 5,000/- but not exceeding Rs. 25,000/- in respect of the individual members of the said Bank for the purposes of clause (b) of section 28 of the said Act.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. P. Panvelkar, Under Secretary (For & Agri).

Panaji, 10th November, 1986.

Corrigendum

10-1(1)86-COOP-F&A

In the Government Notification No. 10-1(1)86-COOP-F&A dated 14-8-1986, published in the Official Gazette, Series I, No. 22, dated 28-8-1986, for "0.50 paise" and "0.75 paise" wherever they occur, read "Re. 1.00".

The last date for receiving objections and suggestions by the Under Secretary to the Government of Goa, Daman and Diu, Forest and Agriculture Department, Secretariat, Panaji-Goa is hereby extended by 15 days from the date of publication of this Corrigendum in the Official Gazette.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

A. P. Panvelkar, Under Secretary (For & Agri).

Panaji, 11th November, 1986.

Public Works and Urban Development Department**Notification**

3-13/8/85-PW&UD

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Municipalities

(Presidents' and Councillor's Emoluments) Rules, 1970 is hereby pre-published as required by sub-section (3) of section 306 of the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969) for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be sent to the Under Secretary to the Government of Goa, Daman and Diu, Public Works and Urban Development Department, Secretariat, Panaji before the expiry of fifteen days from the date of publication of this Notification in the Official Gazette so that they may be taken into consideration at the time of finalisation of the proposed amendment.

DRAFT AMENDMENT

In exercise of the powers conferred by section 306 read with section 62 of the Goa, Daman and Diu Municipalities Act 1965 (7 of 1969) and all other powers enabling it in that behalf, the Government of Goa, Daman and Diu hereby makes the following rules so as to amend the Goa, Daman and Diu Municipalities (President's and other Councillors' Emoluments) Rules, 1970, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Municipalities (President's and other Councillor's Emoluments (Amendment) Rules, 1986.

(2) They shall come into force at once.

2. *Amendment of rule 3.*—For sub-rule (1) of rule 3 of the Goa, Daman and Diu Municipalities (President's and Councillor's Emoluments) Rules, 1970, the following sub-rule shall be substituted, namely:—

"(1) The President shall be entitled to draw per month a maximum honorarium of Rs. 500/- in the case of a Council of 'A' Class municipal area, Rs. 300/- in the case of a Council of 'B' class municipal area and Rs. 100/- in the case of a council of 'C' class Municipal area. The Municipal Council shall decide and fix the amount of honorarium to be paid to the President after taking into consideration the financial position of the Municipal Council."

Provided that the amount of Honorarium to be drawn by the President shall not exceed the amount actually drawn by the President of Municipality before November, 1970.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (PW&UD).

Panaji, 30th October, 1986.

Notification

3-32-74/UDD (GEN)

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Municipalities (Competent Authorities for granting Technical

Sanction) Rules, 1979 is hereby pre-published as required by sub-section (3) of section 306 of the Goa, Daman and Diu Municipalities Act, 1968 (Act 7 of 1969), for information of the persons likely to be affected thereby and notice is hereby given that said draft will be taken into consideration by the Government on the expiry of 15 days from the date of publication of this Notification in the Official Gazette.

2. All objections and suggestions regarding the draft amendment may be sent to the Under Secretary to the Government of Goa, Daman and Diu in the Public Works and Urban Development, Secretariat Panaji before the expiry of the said period of 15 days so that they may be taken into consideration at the time of finalisation of the proposed amendment.

DRAFT AMENDMENT

In exercise of the powers conferred by sub-section (2) of section 306 read with section 69 of the Goa, Daman and Diu Municipalities Act, 1968 (Act No. 7 of 1969) and all other powers enabling it in that behalf, the Government of Goa, Daman and Diu hereby makes the following rules so as to amend the Goa, Daman and Diu Municipalities (Competent Authorities for granting Technical Sanction) Rules, 1979, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa, Daman and Diu Municipalities (Competent Authorities for granting Technical Sanction) (First Amendment) Rules, 1986.

(2) They shall come into force at once.

2. *Amendment of rule 2.*— For the Schedule under rule 2 of the Goa, Daman and Diu Municipalities (Competent Authorities for granting Technical Sanction) Rules, 1979, the following schedule shall be substituted, namely:—

SCHEDULE

| Competent authority | Financial limits | Municipal area |
|--|----------------------|--|
| 1. Chief Engineer, PWD | Full powers | Union territory of Goa, Daman and Diu, (All Municipal Councils). |
| 2. Superintending Engineer, Circle I and Circle II PWD | Upto Rs. 30.00 lakhs | — do — |
| 3. Executive Engineer, works Division I-PWD Panaji | Upto Rs. 4.00 lakhs | Panaji Municipal Council. |
| 4. Executive Engineer, Works Div. V-PWD Panaji | — do — | Mapusa Municipal Council and Bicholim Municipal Council. |
| 5. Executive Engineer, Works Div. XVI, PWD Ponda | — do — | Ponda, Quepem and Sanguem Municipal Councils. |
| 6. Executive Engineer, Works Div. VIII-PWD Margao | — do — | Margao, Mormugao and Canacona Municipal Councils. |
| 7. Executive Engineer, PWD Works Div. VII-Daman | — do — | Daman Municipal Council. |

| Competent authority | Financial limits | Municipal area |
|---|---------------------|----------------------------------|
| 8. Assistant Engineer, Diu | Upto Rs. 1.00 lakhs | Diu Municipal Council. |
| 9. Municipal Engineers in A Class Municipal Council | Upto Rs. 2.00 lakhs | In "A" Class Municipal Councils. |

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (PW&UD)

Panaji, 31st October, 1986.

Revenue Department

Notification

16/7/85-RD

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Land Revenue (Conversion of use of land and non-agricultural Assessment) Rules, 1969 is hereby pre-published as required by sub-section (3) of section 199 of the Goa, Daman and Diu Land Revenue Code, 1968 (Act 9 of 1969), for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu, Revenue Department, Secretariat, Panaji before the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by sub-section (1) of section 199 of the Goa, Daman and Diu Land Revenue Code, 1968 (Act 9 of 1969), and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to amend the Goa, Daman and Diu Land Revenue (Conversion of use of land and non-agricultural Assessment) Rules, 1969, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa, Daman and Diu Land Revenue (Conversion of use of land and non-agricultural Assessment) (Amendment) Rules, 1986.

(2) They shall come into force at once.

2. *Amendment of rule 8.*— At the end of rule 8 of the Goa, Daman and Diu Land Revenue (Conversion of use of land and non-agricultural Assessment) Rules, 1969, the following proviso shall be inserted, namely:—

"Provided that in case the non-agricultural assessment has not yet been fixed, fine may be imposed by the Collector which shall not exceed

the market value of the land, as determined by the Collector".

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 6th November, 1986.

Law Department

Legal Affairs Branch

Notification

LD/1/86-L.A.B./867-869-868

The following Notifications bearing No. A-11019/28/85-AT dated 26th August, 1986, No. A-11019/28(1)/85-AT dated 22nd August, 1986 and No. A-11019/28(2)/85-AT dated 2nd August, 1986, all issued by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), New Delhi are hereby published for general information.

P. V. Kadnekar, Under Secretary (Drafting) to the Government of Goa, Daman and Diu.

Panaji, 17th September, 1986.

GOVERNMENT OF INDIA

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 26th August, 1986

Notification

G.S.R. ... In exercise of the powers conferred by sub-section (2) of section 4 of the Administrative Tribunal Act, 1985 (13 of 1985), the Central Government, on receipt of a request in this behalf from the Government of Himachal Pradesh, hereby establishes the Himachal Pradesh Administrative Tribunal with effect from the 1st day of September, 1986 which shall be the 'appointed day' within the meaning of clause (c) of section 3 of the Act.

(A-11019/28/85-AT)

(P. G. LELE)
DIRECTOR

Notification

No. A-11019/28(1)/85-AT

New Delhi, the 22nd August, 1986

G.S.R. No. ... In exercise of the powers conferred by clause (c) of sub-section (2) of section 35 of the Administrative Tribunals Act, 1985 (13 of 1985), the Central Government hereby makes the following rules, namely:—

1. *Short title and commencement.*—(i) These rules may be called the Himachal Pradesh Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman and Members) Rules, 1986.

2. They shall come into force on the date of their publication in the Official Gazette.

Definitions.—In these Rules, unless the context otherwise requires:—

(a) "Act" means the Administrative Tribunals Act, 1985 (13 of 1985);

(b) "Government" means the Government of Himachal Pradesh;

(c) "Tribunal" means the Himachal Pradesh Administrative Tribunal;

(d) the words and expressions used in these rules and not defined, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. *Pay.*—(1) The Chairman shall receive a pay of rupees three thousand five hundred plus a special pay of rupees two hundred fifty per mensem. A Member shall receive a pay of rupees three thousand per mensem.

Provided that in the case of an appointment as Chairman or a Member of a person who has retired as a Judge of a High Court or who has retired from service under the Central Government or a State Government and who is in receipt of or has received or has become entitled to receive any retirement benefits by way of pension and/or gratuity, employer's contribution to the Contributory Provident Fund or other forms of retirement benefits, the aforementioned pay shall be reduced by the gross amount of pension and pension equivalent of gratuity or employer's contribution to the Contributory Provident Fund or any other form of retirement benefits, if any, drawn or to be drawn by him.

4. *Dearness allowance and city compensatory allowance.*—The Chairman and a Member shall receive dearness allowance and city compensatory allowance appropriate to their pay at the rates admissible to the Officers of the Central Government drawing a pay of rupees three thousand or above.

5. *Retirement from parent service on appointment as Member.*—(1) The Chairman or a Member who, on the date of his appointment to the Tribunal, was in service under the Central Government or a State Government, shall seek retirement from such service before his appointment to the Tribunal. In the case of a sitting Judge of a High Court who is appointed as Chairman, his service in the Tribunal shall be treated as actual service within the meaning of para 11 (b) (i) of Part 'D' of the Second Schedule to the Constitution.

(2) On such retirement as is provided for in sub-rule (1) the Chairman or a Member:

(i) shall be entitled to receive pension and gratuity in accordance with the rules relating to the retirement benefits applicable to him.

(ii) shall not be allowed to carry forward his earned leave but shall be entitled to receive cash equivalent to leave salary, if any, in accordance with the rules applicable to him prior to his retirement.

6. *Leave.* — (1) A person, on appointment to the Tribunal as Chairman or a Member shall be entitled to leave as follows:—

(i) earned leave at the rate of fifteen days for every, completed year of service or a part thereof;

(ii) half pay leave on medical certificate or on private affairs at the rate of twenty days in respect of each completed year of service. The leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave.

(iii) Leave on half pay can be commuted to full pay leave at the discretion of the individual provided it is taken on medical grounds and is supported by a medical certificate from the competent medical authority.

(iv) extra-ordinary leave without pay and allowances upto a maximum period of one hundred eighty days in one term of office.

(2) If the Chairman or a Member is unable to enjoy full vacation on account of his occupation with the Tribunal, he shall be entitled to add the unenjoyed period of vacation to the leave account.

Explanation. — For the purpose of this sub-rule, "vacation" means vacation of thirty days in each calendar year observed by the Tribunal.

(3) On the expiry of his term of office in the Tribunal, the Chairman or a Member shall be entitled to receive cash equivalent of leave salary in respect of the earned leave standing to his credit provided that the quantum of leave encashed under this sub-rule and sub-rule (2) (ii) of rule 5 shall not exceed 180 days.

(4) The Chairman and Members shall be entitled to receive the dearness allowance on the leave salary under sub-rule (3) as admissible at the rates in force on the date of the relinquishment of the office in the Tribunal;

Provided that he shall not be entitled for the city compensatory allowance or any other allowance on such leave salary.

7. *Leave sanctioning authority.* — The Chairman shall be the authority competent to sanction leave to the Member. The Governors shall be the authority competent to sanction leave to the Chairman.

8. *Pension.* — (1) Every person appointed to the tribunal as the Chairman or a Member shall be entitled to pension provided that no such pension shall be payable:

(i) if he has put in less than two years of service with the Tribunal, or

(ii) if he has been removed from an office in the Tribunal under sub-section (2) of Section 9 of the Act.

(2) Pension under sub-rule (1) shall be calculated at the rate of rupees seven hundred per annum for each completed year of service or a part thereof and irrespective of the number of years of service in the Tribunal, the maximum amount of pension shall not exceed rupees three thousand five hundred per mensem:

Provided that the aggregate amount of pension payable under this rule together with the amount of any pension including commuted portion of pension (if any), drawn or entitled to be drawn while holding office in the Tribunal shall not exceed the maximum amount of pension prescribed for a judge of the High Court.

9. *Provident Fund.* — The Chairman or a Member shall be entitled to subscribe to the Provident Fund at his option and in case of his so opting shall be governed by the provision of the All India Services (Provident Fund) Rules:

Provided that if the Chairman or a Member was a Judge of a High Court or was a Member of an All India Service or was holding a post under the Central or a State Government immediately before his joining the Tribunal, he shall be governed by the rules which were applicable to him immediately before joining the Tribunal.

10. *Travelling Allowances.* — The Chairman or a Member while on tour or on transfer (including the journey undertaken to join the Tribunal or on the expiry of his term with the Tribunal to proceed to his home town) shall be entitled to the travelling allowance, daily allowance, transportation of personal effects and other similar matters at the same scales and at the same rates as are prescribed in the High Court Judges (Travelling Allowances) Rules, 1956.

11. *Leave Travel Concession.* — The Chairman or a Member shall be entitled to the leave travel concession at the same rates and the same scales and on the same conditions as are applicable to the members of the All India Services drawing pay of Rupees three thousand or above.

12. *Accommodation* — (1) Every person appointed to the Tribunal as Chairman or a Member shall be entitled to the use of official residence of appropriate type, subject to availability, on the payment of licence fee at the rates prescribed by Government from time to time.

(2) when the Chairman or a Member is not provided with or does not avail himself of the official residence referred to in sub-rule (1), he may be paid every month an allowance of an amount equal to fifteen percent of his pay.

(3) Where the Chairman or a Member occupies an official residence beyond the permissible period he shall be liable to pay additional licence fee or penal rent, as the case may be, and liable to eviction in accordance with the rules of the Government.

13. *Facility of conveyance.* — The Chairman and a Member shall be entitled to the facility of staff car in accordance with the Staff Car Rules of the Government.

14. *Facilities for Medical Treatment.* — The Chairman or a Member shall be entitled to medical treatment and hospital facilities as are admissible to an officer of the corresponding status in salary in the Government.

15. *Conditions of service of sitting judges of the High Court appointed as Chairman.* — Notwith-

standing anything contained in these rules, where a sitting judge of a High Court is appointed as the Chairman of the Tribunal, the service conditions as contained in the High Court Judges (Conditions of Service) Act, 1954 and the rules made thereunder shall apply to him upto the date of his superannuation as a sitting judge of the High Court. Thereafter, he shall be governed by these rules for the remaining period of his tenure as Chairman.

16. *Residuary provision.*—The conditions of service of the Chairman or a Member for which no express provision is available in these rules shall be determined by the rules and orders for the time being applicable to Officers of corresponding pay levels belonging to the Indian Administrative Service.

17. *Powers to relax rules.*—The Central Government shall have power to relax the provisions of any of these rules in respect of any class or categories of persons.

(P. G. Lele)
Director

No. A-11019/28(2)/35-AT

New Delhi, the 22nd August, 1986

Notification

G. S. R. No. ... In exercise of the powers conferred by clauses (d), (e) and (f) of sub-section (2) of section 35 and clause (c) of section 36 of the Administrative Tribunals Act, 1985 (13 of 1985) the Central Government hereby makes the following rules, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Himachal Pradesh Administrative Tribunal (Procedure) Rules, 1986.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definition.*—In these rules, unless the context otherwise requires,

(a) "Act" means the Administrative Tribunals Act, 1985 (13 of 1985);

(b) "Advocate" means an advocate entered in any roll under the provisions of the Advocate Act, 1961 (25 of 1961);

(c) "Agent" means a person duly authorised by a party to present an application or reply on its behalf before the Tribunal;

(d) "Applicant" means a person making an application to the Tribunal under section 19;

(e) "Application" means an application made to the Tribunal under section 19;

(f) "Form" means the Form annexed to these rules;

(g) "Government" means the Government of Himachal Pradesh;

(h) "Legal Practitioner" shall have the same meaning as is assigned to it in the Advocates Act, 1961 (25 of 1961);

(i) "Registrar" means the Registrar of the Tribunal and includes any officer to whom the powers

and functions of the Registrar may be delegated under clause (2) of rules 27;

(j) "Section" means a section of the Act;

(k) "Transferred Application" means the suit or other proceeding which has been transferred to the Tribunal under sub-section (1) of section 29;

(l) "Tribunal" means the Himachal Pradesh Administrative Tribunal established under sub-section (2) of section 4.

3. *Language of the Tribunal.*—(1) The language of the Tribunal shall be English:

Provided that the parties to a proceeding before the Tribunal may file documents drawn up in Hindi, if they so desire:

Provided further that a Bench may in its discretion permit the use of Hindi in the proceedings. However, the final order shall be in English.

4. *Procedure for filing applications.*—(1) An application for the Tribunal shall be presented in Form 1 by the applicant in person or by an agent or by a only authorised advocate, to the Registrar or any other officer authorised by the Registrar to receive applications or sent by registered post with acknowledgement due addressed to the Registrar.

(2) The application under sub-rule (1) shall be presented in three complete sets in a paper-book form along with one empty file size envelope bearing full address of the respondent. Where the number of respondents is more than one, as many extra copies of the application in paper book form as the number of respondents together with required number of empty file size envelope bearing the full address of each respondent shall be furnished by the applicant.

(3) The applicant may attach to and present with his application a receipt slip as in Form No. 1 which shall be signed by the Registrar or the officer receiving the applications on behalf of the Registrar in acknowledgement of the receipt of the application.

(4) Notwithstanding anything contained in sub-rules (1), (2) and (3), the Tribunal may permit—

(a) more than one person to join together and file a single application if it is satisfied having regard to the cause of action and the nature of relief prayed for, that they have the same interest in the service matter; or

(b) an Association representing the persons desirous of joining in a single application provided, however, that the application shall disclose the names of all the persons on whose behalf it has been filed.

5. *Presentation and scrutiny of application.*—(1) The Registrar, or the officer authorised by the Registrar shall endorse on every application the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement.

(2) If, on scrutiny, the application is found to be in order, it shall be duly registered and given a serial number.

(3) If the application, on scrutiny, is found to be defective and the defect noticed is formal in nature, the Registrar may allow the party to rectify the same in his presence, and if the said defect is not formal in nature, the Registrar may allow the applicant such time to rectify the defect as he may deem fit.

(4) If the applicant fails to rectify the defect within the time allowed under sub-rule (3), the Registrar may, by order and for reasons to be recorded in writing decline to register the application.

(5) An appeal against the order of the Registrar under sub-rule (4) shall be made within 15 days of the making of such order to the Tribunal whose decision thereon shall be final.

6. *Place of filing application.*—The application shall ordinarily be filed by the applicant with the Registrar.

7. *Application fee.*—Every application filed with the Registrar shall be accompanied by a fee of Rs. 50/- (Rupees fifty) only which shall be paid in court fee stamps:

Provided that where the Tribunal permits a single application to be filed, either by more than one person or by an Association, the fee payable shall be Rs. 50/- (Rupees fifty) only.

8. *Contents of application.*—(1) Every application filed under rule 4 shall set forth concisely under distinct heads, the grounds for such application. Such grounds shall be numbered consecutively and typed in double space.

(2) It shall not be necessary to present a separate application to seek an interim order or direction if the application contains a prayer seeking an interim order or direction pending final disposal of the application.

(3) An applicant may, subsequent to the filing of application under section 19 of the Act, apply for an interim order or direction. Such an application shall, as far as possible, be in the same form as is prescribed for an application under section 19 and shall be accompanied by a fee of Rs. 2/- (Rupees two) only which shall be payable in Court Fee Stamps affixed on such an application.

9. *Paper book, etc. to accompany the application.*—(1) Every application shall be accompanied by a paper book containing:

- (i) an attested true copy of the Order against which the application has been filed;
- (ii) copies of the documents relied upon by the applicant and referred to in the application; and
- (iii) an index of documents.

(2) The documents referred to in sub-rule (1) may be attested by an advocate or by a Gazetted Officer.

(3) where the application is filed by an agent, documents authorising him to act as such agent shall also be appended to the application:

Provided that where an application is filed by an advocate, it shall be accompanied by a duly executed 'Vakalatnama'.

10. *Plural remedies.*—An application shall be based upon a single cause of action and may seek one or more reliefs provided they are consequential to one another.

11. *Service of notice of application on the respondent.*—(1) A copy of the application in the paper book shall ordinarily be served on each of the respondents by the Registrar in one of the following modes:—

(i) hand delivery (dasti) through the applicant or through a process server; or

(ii) through registered post with acknowledgement due.

(2) Notwithstanding anything contained in sub-rule (1), the Registrar may, taking into account the number of respondents and their places of residence or work and other circumstances, direct that notice of the application shall be served upon the respondents in any other manner, including any manner of substituted service, as it appear to the Registrar just and convenient.

(3) Every applicant shall pay a fee for the service or execution of processes, in respect of an application where the number of respondents exceeds five, as under:—

(i) a sum of Rs. 5/- (rupees five) for each respondent in excess of five respondents; or

(ii) where the service is in such manner as the Registrar may direct under sub-rule (2), a sum not exceeding the actual charges incurred in affecting the service as may be determined by the Registrar.

(4) The fee for the service or execution of processes under sub-rule (3) shall be remitted by the applicant in the form of Court Fee Stamps.

(5) Notwithstanding anything contained in sub-rules (1), (2), (3) and (4), if the Tribunal is satisfied that it is not reasonably practicable to serve notice of application upon all the respondents, it may, for reasons to be recorded in writing, direct that the application shall be heard notwithstanding that some of the respondents have not been served with notice of the application, provided that no application shall be heard unless:—

(i) notice of the application has been served on the Central Government if Government is a respondent;

(ii) notice of the application has been served on the authority which passed the order against which the application has been filed; and

(iii) the Tribunal is satisfied that the interests of the respondents on whom notice of the application has not been served are adequately and sufficiently represented by the respondents on whom notice of the application has been served.

12. *Filing of reply and other documents by the respondents.*—(1) The respondents shall file three complete sets containing the reply to the application alongwith the documents relied upon by him, in a paper book form, with the Registrar within one month of the date of service of the notice of the application on him.

(2) The respondent shall also serve a copy of the reply along with copies of documents as mentioned in sub-rule (1) on the applicant or his advocate, if any and file proof of such service with the Registrar. The Registrar may, on application by the respondent, allow filing of the reply after the expiry of the period of one month.

13. *Date and place of hearing to be notified.* — The Registrar shall notify to the parties the date and the place of hearing of the application.

14. *Sitting of the Tribunal.* — The Tribunal shall ordinarily hold its sittings at Shimla:

Provided that, if at any time, the Chairman of the Tribunal is satisfied that circumstances exist which render it necessary to have sittings of the Tribunal at any place other than Shimla, the Chairman may direct to hold the sittings at any such appropriate place.

15. *Decision on application.* — (1) the Tribunal shall draw up a calendar for the hearing of transferred cases and as far as possible hear and decide the cases according to the calendar.

2) Every application shall be heard and decided, as far as possible, within six months of the date of its presentation.

(3) For purposes of sub-rules (1) and (2), the Tribunal shall have the power to decline an adjournment and to limit the time for oral arguments.

16. *Action on application for applicant's default.* — (1) Where on the date fixed for hearing of the application or on any other date to which such hearing may be adjourned, the applicant does not appear when the application is called on for hearing, the Tribunal may, in its discretion, either dismiss the application for default or hear and decide it on merit.

(2) Where an application has been dismissed for default and the applicant appears afterwards and satisfies the Tribunal that there was sufficient cause for his non-appearance when the application was called on for hearing, the Tribunal may make an order setting aside the order dismissing the application and restore the same.

17. *Hearing of application ex-parte.* — (1) Where on the date fixed for hearing the application or on any other date to which such hearing may be adjourned, the applicant appears and the respondent does not appear when the application is called on for hearing, the Tribunal may, in its discretion, adjourn or hear and decide the application *ex-parte*:

(2) Where an application has been heard *ex-parte* against a respondent or respondents, such respondent or respondents may apply to the Tribunal for an order to set it aside; and if such respondent or respondents satisfy the Tribunal that the notice was not duly served, or that he or they were prevented by any sufficient cause from appearing when the application was called on for hearing, the Tribunal may make an order setting aside the *ex-parte* hearing as against him or them upon such terms as it thinks fit, and shall appoint a day for proceeding with the application:

Provided that where the *ex-parte* hearing of the application is of such nature that it cannot be set aside as against one respondent only, it may be set aside as against all or any of the other respondents also:

Provided further that no Tribunal shall set aside *ex-parte* hearing of an application merely on the ground there has been an irregularity in the service of notice, if it is satisfied that the respondent had notice of the date of hearing and had sufficient time to appear and answer the applicant's claim.

18. *Adjournment of application.* — The Tribunal may on such terms as it deems fit and at any stage of the proceedings adjourn the hearing of the application.

19. *Order to be signed and dated.* — Every order of the Tribunal shall be in writing and shall be signed and dated by the Members constituting the Bench concerned.

20. *Publication of orders.* — Such of the orders of the Tribunal as are deemed fit for publication in any authoritative report or the press may be released for such publication on such terms and conditions as the Tribunal may lay down.

21. *Communication of orders to parties.* — Every order passed on an application shall be communicated to the applicant and to the respondent either in person or by registered post free of cost.

22. *No fee for inspection of records.* — No fee shall be charged for inspecting the records of a pending application by a party thereto.

23. *Orders and directions in certain cases.* — The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to, or in relation to, its orders or to prevent abuse of its process or to secure the ends of justice.

24. *Registration of legal practitioner's clerks.* — A clerk employed by a legal practitioner and permitted as such to have access to the records and to obtain copies of the orders of the Tribunal in which the legal practitioner ordinarily practices shall be known as a "registered clerk."

(2) A legal practitioner desirous of registering his clerk shall make an application to the Registrar in Form 2.

(3) A legal practitioner shall have at a time not more than two registered clerks unless the Registrar by general or special order otherwise permits.

(4) A registrar of all the registered clerks shall be maintained in the office of the Registrar and after registration of the clerk, the Registrar shall direct the issue of an identity card to him which shall be non-transferable and shall be produced by the holder upon request by an officer or any other employee of the Tribunal.

(5) The identity card mentioned in sub-rule (4) shall be issued under the signature of the Deputy Registrar of the Tribunal.

(6) Whenever a legal practitioner ceases to employ a registered clerk, he shall notify the fact at once to the Registrar by means of a letter enclosing therewith the identity card issued to his clerk and

on receipt of such letter the name of the said registered clerk shall be struck off the register.

25. *Working hours of the Tribunal.*—Except on second Saturdays, Sundays and other public holidays, the office of the Tribunal shall, subject to any order made by the Chairman, remain open from 10.00 a.m. to 5.00 p.m. but no work, unless it is of an urgent nature, shall be admitted after 3.30 p.m. on any working day.

26. *Sitting hours of the Tribunal.*—The sitting hours of the Tribunal (including a vacation Bench) shall ordinarily be from 10.30 a.m. to 1.00 p.m. and 2.00 p.m. to 4.30 p.m. subject to any order made by the Chairman.

27. *Powers and functions of the Registrar.*—(1) The Registrar shall have the custody of the records of the Tribunal and shall exercise such other functions as may be assigned to him under these rules or by the Chairman.

(2) The Registrar may, with the approval of the Chairman, delegate to Deputy Registrar any function required by these rules to be exercised by the Registrar.

(3) In the absence of the Registrar, the Deputy Registrar or any other officer of the Tribunal authorised in writing by the Chairman in this behalf, may perform or exercise all or any of the functions and powers of the Registrar.

(4) The Registrar shall keep in his custody official seal of the Tribunal.

(5) The Registrar shall, subject to any general or special direction by the Chairman, affix the official seal of the Tribunal on any order, notice or other process.

(6) The Registrar shall have the power to authorise in writing the affixing of the seal of the Tribunal on a certified copy of any order of the Tribunal.

28. *Additional powers and duties of Registrar.*—In addition to the powers conferred elsewhere in these Rules, the Registrar shall have the following powers and duties subject to any general or special order of the Chairman or the Vice-Chairman of the Bench concerned, namely:—

(i) to receive all applications and other documents including transferred applications;

(ii) to decide all questions arising out of the scrutiny of the applications before they are registered;

(iii) to require any application presented to the Tribunal to be amended in accordance with the Act and the rules;

(iv) subject to the directions of the Tribunal to fix dates of hearing of the applications or other proceedings and issue notices thereof;

(v) to direct any formal amendment of records;

(vi) to order grant of copies of documents to parties of the proceedings;

(vii) to grant leave to inspect the records of the Tribunal.

(viii) to dispose of all matters relating to the service of notices or other processes, applications for the issue of fresh notices or for extending the time therefor;

(ix) to requisition records from the custody of any court or other authority;

(x) to receive applications for the substitution of legal representatives of the deceased parties, during the pendency of the application;

(xi) to receive and dispose of application for substitution, except where the substitution would involve setting aside an order or abatement; and

(xii) to receive and dispose of application by parties for return of documents.

29. *Seal and emblem.*—The official seal and emblem of the Tribunal shall be such as the Government may specify.

30. *Dress for the Members and Staff of the Tribunal.*—The dress for the Members of the Tribunal (including Chairman and Vice-Chairman) and members of the staff of the Tribunal shall be such as the Chairman may specify.

31. *Dress for the parties.*—A legal practitioner or, as the case may be, a presenting officer shall appear before the Tribunal in its professional dress if any, and if there is no such dress:—

(i) if a male, in a close collared coat or in an open collared coat with white shirt, trousers and a tie;

(ii) if a female, in a saree or in any other dress in white or any other light colour.

(P. G. LELE)

Director

FORM I

(See rule 4)

Application Under Section 19 of the Administrative Tribunals Act, 1986

For use in Tribunals office.

Date of Filing

or

Date of Receipt

By Post

Registration No.

Signature

Registrar

In the Himachal Pradesh Tribunal, Shimla *Bench

Between

A

B

Applicant

and

C

D

Respondent

Details of Application

1. Particulars of the applicant

(i) Name of the applicant

(ii) Name of father/Husband

(iii) Designation and office in which employed

(iv) Office Address

(v) Address for service of all notices

2. Particulars of the respondent

(i) Name and/or designation of the respondent

- (ii) Office address of the respondent;
 (iii) Address for service of all notices
3. Particulars of the order against which application is made

The application is against the following order:

- (i) Order No.
 (ii) Date
 (iii) Passed by
 (iv) Subject in brief
4. Jurisdiction of the Tribunal

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. Limitation:—

The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunals Act, 1985.

6. Facts of the case:—

The facts of the case are given below:—

(Give here a concise statement of facts in a chronological order; each paragraph containing as nearly as possible a separate issue, fact or otherwise).

7. Relief(s) sought:—

In view of the facts mentioned in para 6 above, the applicant prays for the following relief(s):—

(Specify below the relief(s) sought explaining the ground for the relief(s) and the legal provisions if any relied upon).

8. Interim order, if prayed for:—

Pending final decision on the application, the applicant seeks issue of the following interim order:—

(Give here the nature of the interim order prayed for with reasons).

9. Details of the remedies exhausted:—

The applicant declares that he has availed of all the remedies available to him under the relevant service rules, etc.

(Give here chronologically the details of representations made and the outcome of such representations).

10. Matter not pending with any other Court, etc.:—

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or has not been rejected by any court of law or other authority.

11. Details of Index:—

An index in duplicate containing the details of the documents to be relied upon is enclosed.

12. List of enclosures.

Verification:—

I, ... (name of the applicant), S/o. D/o, W/o ... age ... working as ... resident of ... do hereby verify that the contents from 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Signature of applicant

Place:

Date:

To

The Registrar,

...

...

Receipt slip

Receipt of the application filed in the Himachal Pradesh Administrative Tribunal, Shimla by Shri/Smt.... working as ... in the Department of ... residing at ... is hereby acknowledged.

seal

for Registrar

Himachal Pradesh Administrative Tribunal, Shimla.

FORM 2

(See rule 24)

Application for the Registration of a Clerk

1. Name of legal practitioner on whose behalf the clerk is to be registered.
2. Particulars of the clerk to be registered.
 - (i) Full Name (in capitals)
 - (ii) Father's name.
 - (iii) Age and date of birth.
 - (iv) Place of birth.
 - (v) Nationality.
 - (vi) Educational qualifications.
 - (vii) Particulars of previous employment, if any.

I, ... (clerk above named) do hereby affirm that the particulars relating to me given above are true:

Signature of clerk.

3. Whether the legal practitioner has a clerk already registered in his employ and whether the clerk sought to be registered is in lieu of or in addition to the clerk already registered.
4. Whether the clerk sought to be registered is already registered as a clerk of any other legal practitioner and if so, the name of such practitioner.

I, ... (legal practitioner) certify that the particulars given above are true to the best of my information, belief and that I am not aware of any facts which would render undesirable the registration of the said ... (name) as a clerk.

Date

Signature of legal practitioner

To

The Registrar of the Tribunal

...

...

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